



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2019-0085

Approved by Planning and Zoning: November 4, 2019

Permission is hereby granted to: Brandon Byrd

to use the premises located at: 200 Commerce Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

11/4/2019  
Date

Karl Moritz (by ST)  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: November 4, 2019

TO: Tony LaColla, Division Chief  
Department of Planning and Zoning

FROM: Max Ewart, Planner I  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0085  
Administrative Review for New Use  
Site Use: Restaurant with Outdoor Dining  
Applicant: Brandon Byrd  
Location: 200 Commerce Street  
Zone: CL/Commercial Light

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**Request**

Special Use Permit #2019-0085 is a request to operate a restaurant with no indoor seats and 20 outdoor seats at 200 Commerce Street. The applicant proposes to operate the approximately 296 square foot restaurant as an ice cream parlor called "Goodies" and would offer ice cream sundaes, floats and shakes as well as coffee and baked goods. The applicant proposes to operate the restaurant as primarily carry-out. There are to be 20 outdoor seats located in the front of the building, at the corner of the lot at the confluence of Commerce Street and South Payne Street, and the daily hours of operation would be from 6 a.m. to 11 p.m., daily. The applicant would not offer live entertainment or alcohol sales.

Elements of the proposal include:

Proposed Hours of Operation: 6:00 a.m. to 11:00 p.m., daily

Proposed Seating: 20 outdoor seats and no indoor seats

Alcohol: On and off-premises alcohol sales are not proposed

Live Entertainment: No live entertainment proposed

Employees per Shift: Four

Noise: Minimal noise is expected.

Odors: Minimal odors from a restaurant are expected.

**Background**

The Mutual Ice Company Station at 200 Commerce Street was constructed in 1931 as a retail ice distributor for Alexandria residents. City records show that the business operated until sometime between 1942 and 1945, coinciding with the growth in refrigerator use.

On June 12, 2010, City Council approved SUP #2010-0019 for a gelato restaurant with indoor and outdoor seating. City Council subsequently approved SUP #2011-0081 on February 25, 2012, for an extension of SUP #2010-0019 which failed to open within 18 months of the date of initial approval. The business never opened and the SUP expired on August 25, 2013. Staff administratively approved SUP #2017-0095 on October 17, 2017, for a restaurant with indoor and outdoor seating. Again, this business never opened, and the SUP expired on February 19, 2019. There have been no zoning violations at the site.

**Parking**

The subject property is located within the Central Business District (CBD). Restaurant uses located within the CBD are exempt from parking requirements pursuant to Section 8-300(B) of the Zoning Ordinance

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Upper King Street Civic Association, Braddock Station Civic Association, West Old Town Citizens Association and Old Town Civic Association were sent an email notification of the current application. Staff did not receive any comments regarding the application.

**Staff Action**

Staff supports the applicant's request for a restaurant at this location. The proposal would fill a vacant commercial space in a unique, historic building in the Central Business District. Staff has included standard restaurant conditions in the SUP report.

Staff hereby approves this special use permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: November 4, 2019  
Action: Approved

  
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Tony LaColla, AICP, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

### **CONDITIONS OF SPECIAL USE PERMIT #2019-0085**

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall have no indoor seats and the maximum number of outdoor seats shall be 20. (P&Z)
3. The hours of operation for the restaurant shall be 6:00 a.m. to 11:00 p.m., daily. All patrons must leave the premises one hour after closing. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted at the restaurant. (P&Z)
6. On and off-premises alcohol sales are not permitted. (P&Z)
7. No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions. (P&Z)
8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)
10. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

13. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
14. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
15. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
17. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (T&ES)
20. The applicant shall require its employees who drive to use off-street parking. (T&ES)
21. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
22. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)
23. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
24. The applicant shall encourage patrons to park off-street through the provision of

information about nearby garages on advertising and on the restaurant's website. (T&ES)

25. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
26. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

### CITY DEPARTMENT COMMENTS

Legend: C - code requirement    R - recommendation    S - suggestion    F - finding

#### Transportation & Environmental Services:

- R-1    Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-2    Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-3    If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-4    Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-5    Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-6    The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-7    All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-8    Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-9    The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (T&ES)

- R-10 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-11 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
- R-12 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)
- R-13 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-14 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- R-15 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703)-746-4410, or via email at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov) for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once a week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

- C-1 A building permit, plan review and inspections are required prior to the start of



construction.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

No comments received.

## STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0085. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 200 Commerce Street.

  
Applicant – Signature

11/6/19  
Date

Brandon Byrd  
Applicant – Printed

11/6/19  
Date